

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JANUARY 31, 2006
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Deb Schorr, Chair
Bob Workman, Vice Chair
Bernie Heier
Larry Hudkins
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, January 24, 2006.**

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting held on January 24, 2006. Hudkins, Stevens, Workman and Schorr voted aye. Heier abstained from voting. Motion carried.

- 2) **SPECIAL PRESENTATIONS:**

A. The Commissioners' Award of Excellence was presented to the team of Jim Spanel, Community Corrections Field Specialist, and Misty Prochaska, Community Corrections Screening Clinician, for January, 2006.

- 3) **CLAIMS: Approval of all claims processed through Tuesday, January 31, 2006.**

MOTION: Heier moved and Stevens seconded approval of all claims processed through January 31, 2006. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

4) **OLD BUSINESS:**

- A. A request for a refund of personal property taxes from Novartis Consumer Health, Inc. for 2002 through 2004, in the approximate total amount of \$341,817.**

Scott Gaines, Deputy County Assessor/Register of Deeds, stated the information which was requested from Novartis was received and reviewed. Recommendation was approval.

MOTION: Workman moved and Stevens seconded approval of a request for a refund of personal property taxes from Novartis Consumer Health, Inc. for 2002 through 2004, in the approximate total amount of \$341,817. Workman, Stevens, Hudkins, Heier and Schorr voted aye. Motion carried.

5) **NEW BUSINESS:**

- A. A resolution in the matter of approving an agreement between the Lincoln-Lancaster County Public Building Commission and B & J Partnership for the conveyance of property to the City of Lincoln and Lancaster County for a driveway entrance and deceleration lane to the parking lot at the City-County Health Department expansion site. (R-06-0004)**

MOTION: Hudkins moved and Heier seconded approval of Resolution 06-0004 in the matter of approving an agreement between the Lincoln-Lancaster County Public Building Commission and B & J Partnership for the conveyance of property to the City of Lincoln and Lancaster County for a driveway entrance and deceleration lane to the parking lot at the City-County Health Department expansion site.

MOTION: Stevens moved that the resolution be tabled to allow for further discussion at a Staff Meeting.

Motion failed for lack of a second.

Judy Halstead, Resource and Program Development Coordinator with the Lincoln-Lancaster County Health Department, appeared and stated the agreement was approved by the Public Building Commission as well as the City Council.

Stevens noted he has concerns regarding existing agreements, cost and liability issues and whether the agreement is in the best interest of the taxpayers.

5) **NEW BUSINESS CONTINUED:**

Stevens also suggested that discussion pertaining to the item be held in executive session because it deals with the acquisition of property.

Board consensus was to hold the resolution and enter into executive session to discuss the purchase of real property at the end of agenda.

B. A grant contract with Lincoln Medical Education Partnership (Family Violence Council) for funding for the community-driven initiatives to address violence against women among diverse and traditionally under served populations while strengthening legal advocacy services for victims of domestic violence and dating violence, including assistance to such victims in immigrations matters, in the amount of \$45,892. Term of the grant contract is January 1, 2006 to December 31, 2006. (C-06-0024)

MOTION: Workman moved and Stevens seconded approval of a grant contract with Lincoln Medical Education Partnership (Family Violence Council) for funding for the community-driven initiatives to address violence against women among diverse and traditionally under served populations while strengthening legal advocacy services for victims of domestic violence and dating violence, including assistance to such victims in immigrations matters. Heier, Workman, Hudkins, Stevens and Schorr voted aye. Motion carried.

C. A contract with Diversified TeleCom Services, Inc., in the amount of \$406,096, for the construction of a communications tower and a pre-fabricated building for the Lancaster County Emergency Management Department. The work will begin by February 1, 2006 and be completed 90 consecutive calendar days from the start date. (C-06-0026)

MOTION: Workman moved and Hudkins seconded approval of a contract with Diversified TeleCom Services, Inc., in the amount of \$406,096, for the construction of a communications tower and a pre-fabricated building for the Lancaster County Emergency Management Department. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

D. A utility agreement with Lincoln Electric System (LES) for relocation work of LES overhead power lines in connection with grading Project C55-M-408(1) at Northwest 70th Street and West Adams Street. Cost to Lancaster County is \$2,253. (C-06-0027)

5) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Workman seconded approval of a utility agreement with Lincoln Electric System (LES) for relocation work of LES overhead power lines in connection with grading Project C55-M-408(1) at Northwest 70th Street and West Adams Street. Hudkins, Heier, Workman, Stevens and Schorr voted aye. Motion carried.

E. Utility Permit No. 791 for the City of Lincoln, through H.R. Bookstrom Construction, to install a water line in County right-of-way across Fletcher Avenue from North 7th Street to a point 550 feet west of North 7th Street. (C-06-0028)

MOTION: Stevens moved and Workman seconded approval of Utility Permit No. 791 for the City of Lincoln, through H.R. Bookstrom Construction, to install a water line in County right-of-way across Fletcher Avenue from North 7th Street to a point 550 feet west of North 7th Street. Stevens, Workman, Heier, Hudkins and Schorr voted aye. Motion carried.

F. A contract with Johnson Appraisal, L.L.C., in the amount of \$5,475, for appraisal services in connection with Project C55-SX-404(2), South 82nd Street from Panama Road to Hickman Road. (C-06-0032)

MOTION: Stevens moved and Hudkins seconded approval of a contract with Johnson Appraisal, L.L.C., in the amount of \$5,475, for appraisal services in connection with Project C55-SX-404(2), South 82nd Street from Panama Road to Hickman Road. Heier, Stevens, Hudkins, Workman and Schorr voted aye. Motion carried.

G. An easement between Lancaster County and the U.S. Army Corp of Engineers for culvert repair and maintenance at Southwest 40th Street and Yankee Hill Road. (C-06-0033)

MOTION: Hudkins moved and Stevens seconded approval of an easement between Lancaster County and the U.S. Army Corp of Engineers for culvert repair and maintenance at Southwest 40th Street and Yankee Hill Road. Workman, Hudkins, Stevens, Heier and Schorr voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

H. Signature amendments for Wells Fargo Bank authorizing Deb Schorr, as the County Board Chair, to sign on behalf of the County for transactions on both its accounts with the bank. The amendment also deletes Larry Hudkins as an authorized signer for the account. (C-06-0029 and C-06-0030)

MOTION: Hudkins moved and Heier seconded approval of signature amendments for Wells Fargo Bank authorizing Deb Schorr, as the County Board Chair, to sign on behalf of the County for transactions on both its accounts with the bank. The amendment also deletes Larry Hudkins as an authorized signer for the account. Stevens, Workman, Heier, Hudkins and Schorr voted aye. Motion carried.

Stevens questioned whether the Vice Chair of the County Board should be included on the signature amendments.

Tim Genuchi, Accounting Operations Manager for the County Clerk's Office, appeared and stated that the Vice Chair does not to be included on the signature amendments. He explained the amendments are needed for the signature stamps for checks.

I. Acknowledgment of receipt of relinquished property contract assignment between Jack and Cheryl Scott and Nebraska Title Company. The acknowledgment by Lancaster County allows the sale proceeds of right-of-way acquisition to be paid to Nebraska Title Company. (C-06-0031)

MOTION: Stevens moved and Hudkins seconded approval of an acknowledgment of receipt of relinquished property contract assignment between Jack and Cheryl Scott and Nebraska Title Company. Hudkins, Stevens, Heier, Workman and Schorr voted aye. Motion carried.

J. An amendment to an agreement between Lancaster County and the Lancaster County Medical Society, County Contract No. C-05-0492, to provide up to 480 hours of clerical assistance to the Lancaster County General Assistance Office, at a rate of \$15 per hour. (C-06-0025)

5) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Workman seconded approval of an amendment to an agreement between Lancaster County and the Lancaster County Medical Society, County Contract No. C-05-0492, to provide up to 480 hours of clerical assistance to the Lancaster County General Assistance Office, at a rate of \$15 per hour. Stevens, Hudkins, Heier, Workman and Schorr voted aye. Motion carried.

K. Authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Leasing Corporation Renewal and Replacement Fund to the following vendors, in the total amount of \$35,503.09:

- ▶ City of Lincoln, Information Services Division, in the amount of \$20,508.59, for computer upgrade
- ▶ Lancaster Manor, in the amount of \$14,994.50, for reimbursement of computer upgrades

MOTION: Heier moved and Stevens seconded approval of the authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Leasing Corporation Renewal and Replacement Fund to the City of Lincoln, Information Services Division, in the amount of \$20,508.59 and Lancaster Manor, in the amount of \$14,994.50. Hudkins, Stevens, Heier, Workman and Schorr voted aye. Motion carried.

L. Recommendation from the Purchasing Agent and the County Engineer to award a bid to Theisen Construction, Inc., in the amount of \$19,698.60, to repair County Bridge No. C-91. (B-06-0004)

MOTION: Workman moved and Heier seconded to approval to award a bid to Theisen Construction, Inc., in the amount of \$19,698.60, to repair County Bridge No. C-91 as recommended by the Purchasing Agent and the County Engineer. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

M. Renewal application with the State of Nebraska, Department of Health and Human Services for a license for Lancaster Manor to operate as a 293 bed nursing home facility. The County will pay \$1,050 for the renewal license. The current license expires March 31, 2006.

5) **NEW BUSINESS CONTINUED:**

MOTION: Hudkins moved and Stevens seconded approval of a renewal application with the State of Nebraska, Department of Health and Human Services for a license for Lancaster Manor to operate as a 293 bed nursing home facility. The County will pay \$1,050 for the renewal license. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

N. Lancaster County Board of Commissioners Committee Assignments for 2006.

MOTION: Heier moved and Hudkins seconded approval of the Lancaster County Board of Commissioners Committee Assignments for 2006. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

6) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

1. County Engineer's Quarterly Report for October, November and December, 2005.
2. County Engineer's Quarterly Report for October, November and December, 2005 for the Geographic Information System (GIS) Division.
3. Public Employer Retirement Plan Annual Report.
4. Three Year Comprehensive Juvenile Services Plan submitted to the Nebraska Crime Commission from the Juvenile Justice Coordinator in Human Services.

B. Setting of a public hearing for Tuesday, February 14, 2006 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding County Change of Zone No. 05086, from the Director of Planning at the request of the Lancaster County Board of Commissioners, a text amendment to Article 7.007 of the Lancaster County Zoning Resolution to provide a specific parking requirement for "mini-storage" use in the County "B" Business District.

6) CONSENT ITEMS CONTINUED:

- C. Setting of a public hearing for Tuesday, February 28, 2006 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding an application for a Class D (Spirits, Wine, Beer Off Sale Only) liquor license from Casey's Retail Company d/b/a Casey's General Store #2721 (formerly Gas 'N Shop), located at 4003 West Highway 34 and an application for Corporate Manager for Sharon Kay Nelson Scusa in connection with said license application.
- D. Request from Enisa Aganovic, an employee with Lancaster Manor, to voluntarily participate in the County's retirement plan having completed the requirements.
- E. A banquet contract with the Green Gateau Reception Center to host the Lancaster County Employee Recognition Luncheon on May 16 2006. (C-06-0038)
- F. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following:
- ▶ State of Nebraska, Game and Parks Department, at Southwest 86th Street and West Olive Creek Road; Project C.P.V-193. (This is a donation.) (C-06-0034)
 - ▶ Elwyn E. and Marcelene Rolofson, in the amount of \$84, on West Rock Creek Road west of Northwest 12th Street; Project C.P.C.-217. (C-06-0035)
 - ▶ Arnold J. Kouma, in the total amount of \$2,886.80, on West "A" Street from Southwest 84th Street to the Burlington Northern Sante Fe Railroad; Project C55-M-405(1). (2 contracts) (C-06-0036 and C-06-0037)

MOTION: Stevens moved and Workman seconded approval of the Consent Items with the except of Consent Item 6A(4). Workman, Stevens, Hudkins, Heier and Schorr voted aye. Motion carried.

6) **CONSENT ITEMS CONTINUED:**

Consent Item 6A(4):

Three Year Comprehensive Juvenile Services Plan submitted to the Nebraska Crime Commission from the Juvenile Justice Coordinator in Human Services.

Corey Steel, Juvenile Justice Coordinator, appeared and gave a brief explanation regarding the submission of the Three Year Comprehensive Juvenile Services Plan to the Nebraska Crime Commission.

MOTION: Heier moved and Workman seconded approval to receive and place on file the Three Year Comprehensive Juvenile Services Plan submitted to the Nebraska Crime Commission from the Juvenile Justice Coordinator in Human Services. Workman, Stevens, Hudkins, Heier and Schorr voted aye. Motion carried.

7) **EMERGENCY ITEMS AND OTHER BUSINESS:**

MOTION: Workman moved and Hudkins seconded to enter into Executive Session at 1:59 p.m. to discuss the purchase of real property. Stevens, Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

MOTION: Workman moved and Hudkins seconded to exit Executive Session at 2:15 p.m.. Heier, Workman, Hudkins, Stevens and Schorr voted aye. Motion carried.

RETURNING TO NEW BUSINESS ITEM 5A:

A. A resolution in the matter of approving an agreement between the Lincoln-Lancaster County Public Building Commission and B & J Partnership for the conveyance of property to the City of Lincoln and Lancaster County for a driveway entrance and deceleration lane to the parking lot at the City-County Health Department expansion site. (R-06-0004)

The Clerk indicated Commissioner Hudkins made the motion to approve Resolution No. 06-0004 and Commissioner Heier seconded.

Stevens indicated he would not vote in favor of the motion because his concerns regarding liability and cost to the taxpayers of Lancaster County had not been answered to his satisfaction.

ROLL CALL ON ORIGINAL MOTION: Heier, Workman, Hudkins and Schorr voted aye. Stevens voted no. Motion carried.

8) **ADJOURNMENT:**

MOTION: Stevens moved and Workman seconded adjournment of the Board of Commissioners meeting at 2:20 p.m.. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JANUARY 31, 2006
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Deb Schorr, Chair
Bob Workman, Vice Chair
Bernie Heier
Larry Hudkins
Ray Stevens

Others Present: Norm Agena, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization was called to order at 2:20 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, January 24, 2006.**

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the Board of Equalization meeting held on January 24, 2006. Hudkins, Stevens, Workman and Schorr voted aye. Heier abstained from voting. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 45 additions and deductions to the tax assessment rolls per Attachment "A".

MOTION: Stevens moved and Heier seconded approval of the additions and deductions to the tax assessment rolls. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Church of Jesus Christ of Latter-day Saints
Cornhusker Place, Inc.
North American Martyrs School
St. Elizabeth Regional Medical Center
St. Mark's United Methodist Church
Sesostris Shrine
Sesostris Shrine Temple**

MOTION: Stevens moved and Workman seconded approval of the motor vehicle tax exemptions. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

4) **APPEAL OF PENALTY ASSESSED ON PERSONAL PROPERTY FOR 2005:**

Highnooner's Nook

Norm Agena, County Assessor/Register of Deeds, stated the personal property schedule was not filed until November, 2005. Recommendation was denial.

MOTION: Hudkins moved and Stevens seconded to accept the recommendation of the Assessor/Register of Deeds and deny the appeal of penalty assessed on personal property for 2005 for Highnooner's Nook. Workman, Stevens, Hudkins, Heier and Schorr voted aye. Motion carried.

5) **ADJOURNMENT:**

MOTION: Stevens moved and Workman seconded adjournment of the Board of Equalization at 2:22 p.m.. Stevens, Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

Bruce Medcalf
County Clerk